

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 15, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL E. RICHARDSON,

Defendant.

NO: 2:19-CR-77-RMP-1

ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE WITH
LEAVE TO AMEND

BEFORE THE COURT is Defendant's Motion for Compassionate Release, ECF No. 59. Defendant asks that the Court to reduce his sentence to time served, so that he may be released from custody and begin his term of supervised release. ECF No. 59 at 2. His motion is premised on the COVID-19 pandemic. *See id.* The Court has considered the motion, the record, and is fully informed.

Pursuant to 18 U.S.C. § 3582(c)(1)(A), this Court has the authority to reduce Defendant's term of imprisonment after certain, administrative remedies have been exhausted. Under that statute, there are restrictions on when the Court may act. The Court may act, "upon motion of the Director of the Bureau of Prisons, or upon

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1 motion of the defendant after the defendant has fully exhausted all administrative
2 rights to appeal a failure of the Bureau of Prisons to bring a motion on the
3 defendant's behalf” Additionally, if Defendant files a motion under 18 U.S.C.
4 § 3582(c)(1)(A) with the Bureau of Prisons, and the Bureau of Prisons does not act
5 upon his motion within thirty days of receiving it, then Defendant may request relief
6 directly from this Court, without taking additional steps to exhaust his administrative
7 remedies. *Id.*

8 It is unclear from the motion whether Defendant has exhausted his
9 administrative remedies. While he asserts that he “filed for compassionate release
10 through the Warden,” Defendant does not state whether thirty days have passed
11 since the warden received his motion. ECF No. 59 at 1. Therefore, the Court has
12 insufficient evidence before it to conclude that it has authority to hear the instant
13 motion, at this time.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. Defendant's Motion for Compassionate Release, **ECF No. 59**, is **DENIED**
16 **with leave to renew.**

17 2. If Defendant renews his motion, he must state whether he has exhausted
18 his administrative remedies, and how he has done so. To the extent
19 possible, Defendant shall include any documentation illustrating that he
20 has exhausted his administrative remedies, or that the Bureau of Prisons
21 has failed to act upon his request for compassionate release.

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